

HOUSE BILL REPORT

HB 2456

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to information regarding agriculture and livestock.

Brief Description: Regarding disclosure of information relating to agriculture and livestock.

Sponsors: Representatives Chandler, Blake and Fagan.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/30/12 [DP].

Brief Summary of Bill

- Exempts from disclosure under the Public Records Act (PRA) specified information submitted by an individual or business to the Washington State Department of Agriculture for the purpose of herd inventory management for animal disease traceability.
- Exempts from disclosure under the PRA records of international livestock importation received from the United States Department of Homeland Security (DHS) or the United States Department of Agriculture (USDA) that identify a particular animal, business, or individual, and which are not disclosable by the federal agency under the federal Freedom of Information Act (FOIA).
- Exempts from disclosure under the PRA records received from the DHS or the USDA related to the entry of prohibited agricultural products for importation into the state, and which are not disclosable by the federal agency under the federal FOIA.
- Eliminates references to the National Animal Identification System with respect to agricultural information exempted from disclosure under the PRA.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 11 members: Representatives Hunt, Chair; Appleton, Vice Chair; Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta, Darneille, Dunshee, Hurst, McCoy and Miloscia.

Staff: Thamas Osborn (786-7129).

Background:

The Public Records Act (PRA) requires that state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally, and the exemptions narrowly, in order to effectuate a general policy favoring disclosure.

The Washington State Department of Agriculture (AGR) administers the Animal Disease Control Program and the Livestock Identification Program. The purpose of the Animal Disease Control Program is to prevent the spread of infectious, communicable, or otherwise dangerous diseases within the state and from other states and provinces. In this regard, the AGR has powers and duties that include: establishing quarantines, inspection and testing of animals, inspection of vehicles transporting animals, and requiring certificates of veterinary inspection. The AGR is authorized to enter property to conduct tests or inspections of animals.

The Livestock Identification Program provides a means to determine ownership of livestock. It has the ancillary benefit of aiding animal disease traceability. The AGR works with the industry on improving the system to trace the origin of animal diseases and to identify other animals with which the infected animal may have come into contact.

In the process of administering animal disease and identification programs, the AGR collects information, considered to be proprietary, pertaining to numbers of animals, locations, purchase and sale information, and information related to livestock diseases or injury.

There is an existing exemption from the PRA disclosure requirements for information submitted to the AGR as part of the National Animal Identification System (NAIS). The United States Department of Agriculture (USDA) has since discontinued the NAIS, which was intended to provide a national system of animal disease tracking capability. This exemption did not prevent disclosure of information to local, state, or federal officials, or the disclosure of information used in reportable animal health investigations.

Summary of Bill:

The act eliminates references to the NAIS with respect to agricultural information exempted from disclosure under the PRA. Instead, the act exempts specified information submitted by an individual or business to the AGR for the purpose of herd inventory management for animal disease traceability. This exempted information includes:

- animal ownership;

- numbers of animals;
- locations;
- contact information;
- movements of livestock;
- financial information;
- purchase and sale information;
- account numbers or unique identifiers issued by government to private entities; and
- information related to livestock diseases that would identify a specific animal, person, or location.

Records of international livestock importation received from the United States Department of Homeland Security (DHS) or the USDA that identify a particular animal, business, or individual, and which are not disclosable by the federal agency under the federal Freedom of Information Act (FOIA), are exempt from PRA disclosure requirements.

Records received from the DHS or the USDA related to the entry of prohibited agricultural products for importation into the state, and which are not disclosable by the federal agency under the federal FOIA, are exempt from PRA disclosure requirements.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill aligns state law with federal law. The bill protects the personal business data of ranchers in cases where disclosure would put them at a competitive disadvantage, while at the same time it enhances the ability to identify and trace diseased livestock. Keeping the food supply safe is a very important goal and the system is designed to ensure that a disease affecting livestock can be traced to its source. This bill will encourage producers to come forward with timely information about potential problems with livestock disease, insofar as sensitive information cannot be made public until an investigation is complete.

(Opposed) None.

Persons Testifying: Representative Chandler, prime sponsor; Jack Field, Washington Cattlemen's Association; and Mark Streuli, Washington State Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.